

**CITY OF MAPLE VALLEY, WASHINGTON**

**ORDINANCE NO. O-18-650**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLE VALLEY, WASHINGTON AMENDING MAPLE VALLEY MUNICIPAL CODE SECTION 9.05.210 ENTITLED “CONTROLLED SUBSTANCES” TO ADOPT BY REFERENCE A STATE STATUTE CONCERNING MINOR IN POSSESSION OF MARIJUANA; PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND REVISIONS BY THE CODE REVISER.**

**WHEREAS**, the City Council of Maple Valley has adopted state criminal statutes by reference in order to obtain jurisdiction to prosecute misdemeanor offenses; and

**WHEREAS**, the state statute that criminalizes minors in possession of marijuana, RCW 69.50.4013, has not been adopted by reference within the Maple Valley Municipal Code (MVMC) and therefore the City prosecutor does not have the appropriate jurisdiction to prosecute these types of offenses; and

**WHEREAS**, by adopting RCW 69.50.4013 by reference into the criminal code, MVMC Chapter 9.05, the City will have jurisdiction to prosecute misdemeanor minor in possession of marijuana offenses; and

**WHEREAS**, the City Council wishes to amend section 9.05.210 of the Maple Valley Criminal Code to add section 9.05.4013 which adopts by reference RCW 69.50.4013;

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MAPLE VALLEY, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1. Amendment.** That Section 9.05.210 of the Maple Valley Municipal Code entitled “Controlled Substances” shall be amended as follows (new text in underline, deleted text in ~~striketrough~~):

9.05.210 Controlled substances.

The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference:

RCW

69.50.101 Definitions.

69.50.102 Drug paraphernalia – Definitions.

69.50.204

(d)(13) Schedule I – Marijuana.

- 69.50.309 Containers.
- 69.50.4013 Possession of controlled substance – Penalty – Possession of useable marijuana, marijuana concentrates, or marijuana infused products – Delivery.
- 69.50.4014 Possession of forty grams of marihuana – Penalty.
- 69.50.408 Second or subsequent offenses.
- 69.50.412 Prohibited acts: E – Penalties.
- 69.50.420 Violations – Juvenile driving privileges.
- 69.50.425 Misdemeanor violations – Minimum imprisonment.
- 69.50.505 Seizure and forfeiture.
- 69.50.506 Burden of proof, liabilities.
- 69.50.509 Search and seizure of controlled substances.

**Section 2. Severability.** If any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 3. Effective Date.** This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

**Section 4. Corrections by City Clerk or Code Reviser.** Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary non-substantive corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF  
ON THE 24<sup>TH</sup> DAY OF SEPTEMBER 2018.

CITY OF MAPLE VALLEY

---

Sean P. Kelly, Mayor

ATTEST/AUTHENTICATED:

---

Shaunna Lee-Rice, City Clerk

APPROVED AS TO FORM:

---

Patricia Taraday, City Attorney

Date of Publication: September 28, 2018

Effective Date: October 2, 2018